

# Medical Marijuana Establishment Application PRESS PACKET

August 5, 2014, 10:00 a.m.

Nevada Division of Public and Behavioral Health  
4150 Technology Way, Carson City, 8906

## Please note...

The number of MME applications received by the state will be posted 3:00 p.m. each day at <http://www.health.nv.gov/MedicalMarijuana.htm> beginning on Tuesday, August 5, continuing until Monday, August 18, 2014.

The final number will be posted on Tuesday, August 19.

### This media packet includes:

- Definitions of the types of medical marijuana establishments
- A statement regarding the differences between local vs. state application review process
- The “confidentiality statute”
- A list of approved medical conditions for medical marijuana in Nevada
- A description of the state review process
- Application timeline
- URLs for relevant websites

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### **Types of Medical Marijuana Establishments to be Licensed in Nevada**

**Dispensary:** As per NRS 453A.115, a business that is registered with the Division and acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card.

**Cultivation Facility:** As per NRS 453A.056, a business that is registered with the Division, and acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to a medical marijuana dispensaries; facilities for the production of edible marijuana products or marijuana-infused products; or other cultivation facilities.

**Production of Edible Marijuana or Marijuana Infused Products:** As per NRS 453A.105, a business that is registered with the Division pursuant to NRS 453A.322, and acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells edible marijuana products or marijuana infused products to medical marijuana dispensaries.

**Independent Testing Laboratory:** As per NRS 453A.107, a business that is registered with the Division to test marijuana, edible marijuana products and marijuana- infused products. Such an independent testing laboratory must be able to determine accurately, with respect to marijuana, edible marijuana products and marijuana-infused products, the concentration therein of THC and cannabidiol, the presence and identification of molds and fungus, and the presence and concentration of fertilizers and other nutrients.

### **The State Process vs. Local Jurisdictions for Reviewing and Approving Medical Marijuana Establishment Applications**

As early as 2015, 4 kinds of medical marijuana establishments may open for business Nevada: cultivation, dispensary, production and laboratory. Each kind of establishment must receive approval from the Nevada Division of Public and Behavioral Health (DPBH), and from the local jurisdiction in which the establishment(s) will be located.

The state process of approving medical marijuana establishments is different from the local process. Local jurisdiction permitting decisions consider issues such as site plans, project descriptions, zoning and proximity to other business or facilities. The state process, according to regulations mandated by SB 374, focuses on public health, public safety, and marijuana as a medicine. The regulatory criteria for evaluation consist of:

- The impact the establishment will have on the community
- The testing and verifying of medical marijuana
- Specifics regarding the labeling of products
- The use of independent testing laboratories for product safety
- Transportation plans for moving medical marijuana from cultivation to other establishments or for deliveries
- Procedures to ensure adequate building security
- Procedures to ensure adequate product security
- Education plans for staff and consumers
- Environmental impact mitigation plans

### **The Confidentiality Statute: Contents of Applications are Considered Confidential**

NRS 453A.700 Duties of Division concerning confidentiality; certain items of information not subject to subpoena, discovery or inspection.

1. Except as otherwise provided in this section, NRS 239.0115 and subsection 4 of NRS 453A.210, the Division and any designee of the Division shall maintain the confidentiality of and shall not disclose:

(a) The contents of any applications, records or other written documentation that the Division or its designee creates or receives pursuant to the provisions of this chapter; or

(b) The name or any other identifying information of:

(1) An attending physician; or

(2) A person who has applied for or to whom the Division or its designee has issued a registry identification card.

\* Except as otherwise provided in NRS 239.0115, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, the Division or its designee may release the name and other identifying information of a person to whom the Division or its designee has issued a registry identification card to:

(a) Authorized employees of the Division or its designee as necessary to perform official duties of the Division; and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is the lawful holder of a registry identification card issued to him or her pursuant to NRS 453A.220 or 453A.250.

## **Approved Conditions for Medical Marijuana in Nevada**

Acquired immune deficiency syndrome (AIDS)

Cancer

Glaucoma

Post-traumatic stress disorder (PTSD)

Cachexia (general physical wasting and malnutrition from chronic disease)

Persistent muscle spasms (including multiple sclerosis)

Seizures (including epilepsy)

Severe nausea

Severe pain (the most commonly reported condition)

Additional conditions, subject to approval by the Division

## **A Description of the Nevada Application Review Process**

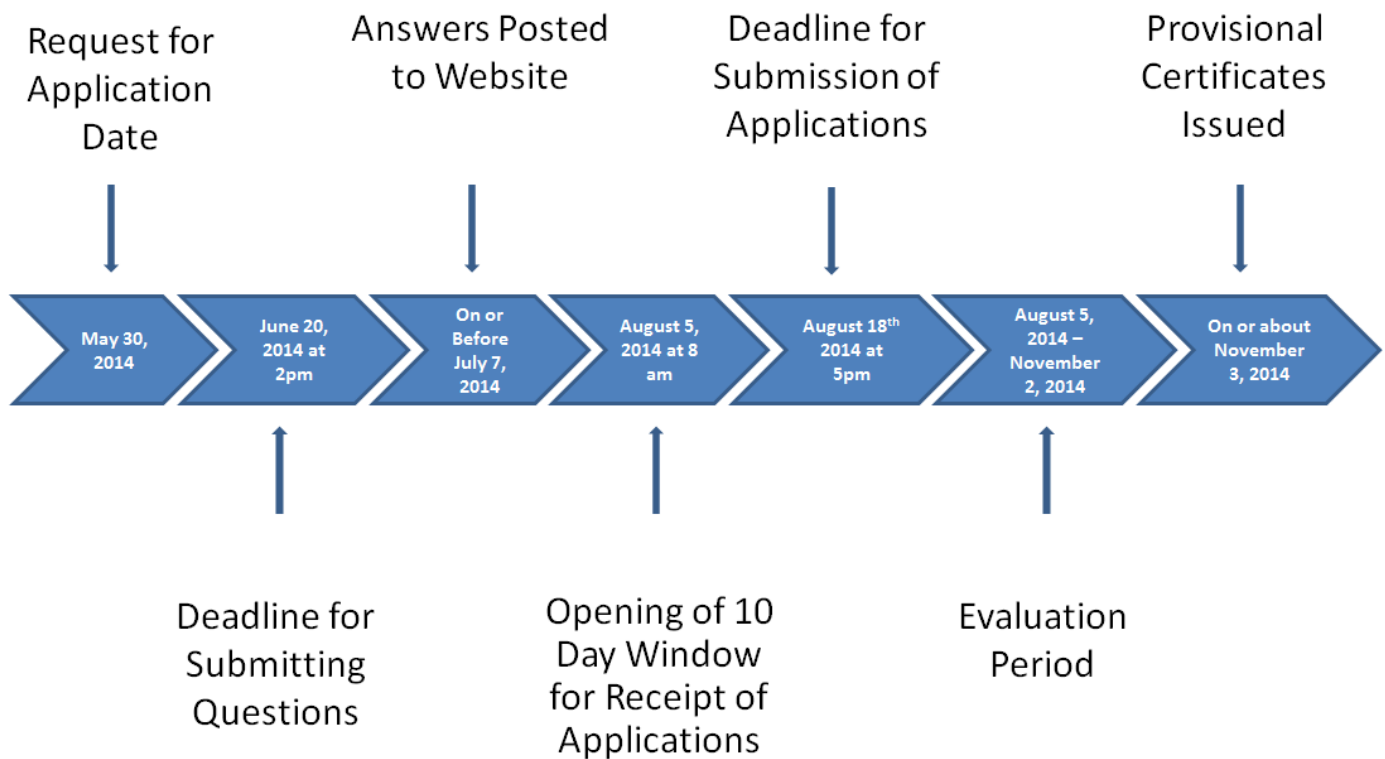
According to the 45-page Medical Marijuana Establishment Registration Certificate application [http://www.health.nv.gov/MedicalMarijuana/NV MMP Application.pdf](http://www.health.nv.gov/MedicalMarijuana/NV_MMP_Application.pdf), seven major categories of information will be scored and ranked. The total number of possible points is 250. The categories are concerned with financial resources; experience and academic background; community impact; and establishment plans for organization, education, security, transportation. There are questions regarding the applicant's tax paying history in Nevada and/or other contributions made to the state.

The various categories fall into two main sections: Identified, in which the identity of the applicant is included, and Non-Identified, in which the identity of the applicant is not included in the application materials. Separate 3-person evaluator teams, authorized by NRS 453A, will review the Identified and Non-Identified sections.

The 3-person evaluator teams are comprised of approximately seven state Medical Marijuana Establishment employees, and 15 contracted staff with experience and formal education appropriate to the medical marijuana establishment industry. The team members represent several professions: accounting, administrative assistance, agricultural inspection, auditing, building construction, chemistry, education, fire and life safety, health facility and laboratory inspection, human resources, IT, law enforcement, logistics, and pharmacy.

Beginning on August 5, 2014, the first day of application submission, the Division has 90 days to review, rank and score the applications, based strictly and objectively on merit. In early November, 2014, the results will be announced, and those applicants who are eligible for provisional certification will then work with the local jurisdictions for additional permits and licenses.

## Application Timeline



# Medical Marijuana Establishment Program Media Packet

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## **Reference URLs**

Nevada Revised Statutes: <http://www.leg.state.nv.us/Division/Legal/LawLibrary/NRS/NRS-453A.html>

The Medical Marijuana Regulations:

[http://www.health.nv.gov/MedicalMarijuana/R004-14A\\_AdoptRegulations.pdf](http://www.health.nv.gov/MedicalMarijuana/R004-14A_AdoptRegulations.pdf)

The Medical Marijuana Establishment application:

[http://www.health.nv.gov/MedicalMarijuana/NV\\_MMP\\_Application.pdf](http://www.health.nv.gov/MedicalMarijuana/NV_MMP_Application.pdf)